

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14263, as amended, of Washington Development and Management Corp., Inc., et al., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking space requirements (Section 7202) for a proposed one-story addition to a seven-story office building in a C-3-C District at premises 2029 K Street, N.W., (Square 76, Lot 86).

HEARING DATE: March 20, 1985
DECISION DATE: April 3, 1985

FINDINGS OF FACT:

1. The application was advertised as a special exception under Sub-section 7203.6 to permit the modification of BZA Order Nos. 8825/26, dated September 23, 1966. That order permitted a twenty-five percent reduction in the number of required parking spaces for a seven-story office building. At that time, the parking requirement for the building was twelve spaces and the applicant received approval to provide eight on-site spaces. The reduction from twelve to eight spaces constitutes a reduction of greater than twenty-five percent. The Board now has no evidence of how or why a reduction of that magnitude was approved.

2. Under the parking and loading regulations revised as of March 1, 1985, the reconfiguration of use of space within the building and small building addition require the provision of one additional parking space. The application was amended at the public hearing for the applicant to seek a variance from Section 7202 from the required number of on-site parking spaces. The Board was of the opinion that the wording the advertisement gave sufficient notice to the public of the relief sought. There was no opposition to the amendment.

3. The subject site is located on the north side of K Street between 20th and 21st Streets, N.W. The site is in a C-3-C District and is known as premises 2029 K Street, N.W.

4. The subject site is improved with a seven-story office building with 34,467 square feet of gross floor area. The building has a roof structure containing heating, ventilation and air conditioning equipment.

5. The subject lot is rectangular in shape. Its dimensions are 142.92 feet on the north and south sides and 80.25 feet on the east and west sides. The lot area is 5,614 square feet.

6. There is access to and from the subject site from K Street on the south. There is also alley access from the north from L Street. The subject site is cut off by this alley, which meets the site at an acute angle which limits accessibility from the rear.

7. The subject square and the surrounding neighborhood are developed primarily with office buildings. The area is zoned C-3-C on all four sides of the subject site.

8. The subject site at present has eight parking spaces provided in the rear of the premises. Only one of these spaces appears to be the size required by the Zoning Regulations.

9. The applicants propose that the current configuration of the premises be modified by adding one floor at the top and converting the first floor to retail use. It is proposed that the first floor contain approximately 4,000 square feet of gross floor area devoted to retail uses, and that the seven upper floors be used for offices.

10. The subject building was constructed in two stages. The easternmost portion was built in the 1950's. The western portion was constructed in 1966. Dividing the two portions is a twelve inch reinforced concrete bearing foundation wall. That wall makes it extremely difficult to create an opening from one side of the building to the other in the basement area. The two existing fire stairs and the concrete column permit an entrance for parking cars but prohibit the backing out and exit for cars through the alley door.

11. The building is two and one-half blocks east of Washington Circle, on that portion of K Street that has frontage roads to serve abutting uses. K Street carries an average daily traffic volume of approximately 38,000 vehicles, while 20th Street, to the east, and 21st Street, to the west, carry approximately 13,500 and 12,000 vehicles per day respectively. Twentieth Street operates one-way northbound; 21st Street operates one-way southbound. K Street is two-way, with the north frontage road one-way westbound and the south frontage road one-way eastbound. The intersections of K Street/20th Street and K Street/21st Street operate at level of service "B" during peak hours.

12. Fourteen Metrobus lines pass the subject site: D2, D4, D6, D8, D9, L2, N5, N7, N9, N11, 5K, 5W, 38B and 38C.

The Farragut North Metrorail station is three blocks to the east, about a five minute walk.

13. A survey of public parking facilities within the area bounded by 19th, 22nd, I and L Streets evidenced that within this six square area there are more than 2,000 off-street parking spaces in thirteen garages and two lots, with monthly spaces available in seven of the garages.

14. The applicants' traffic witness testified that the addition of thirteen cars to the traffic that passes through the subject area would have no perceivable effect on traffic operating conditions. The existing levels of service at nearby intersections would not be changed by this increment.

15. The witness also testified that studies of travel patterns for retail space along K Street has shown that there is almost no use of private cars by customers of these shops. The 4,000 square feet in the subject building should be no different. It was further noted that there are short-term, metered spaces in the frontage roads of K Street that can be used by any customers who choose to drive to the site. The witness concluded that the proposed uses of the subject 2029 K Street would have no adverse impact in terms of traffic or parking. From a traffic engineering viewpoint, the uses would be appropriate. The Board concurs with the reasoning and conclusions of the traffic witness.

16. Because of the limited size and exceptional narrowness of the lot, and the angle of the alley behind the premises, the applicants cannot provide additional parking spaces on the site.

17. The applicants propose to provide five additional parking spaces off-site within 800 feet of the lot, thus providing a total of thirteen spaces for use of the premises.

18. The Zoning Regulations prescribe a minimum of thirteen spaces for this particular site, one space for the retail area and twelve for the office area. The applicants require a variance to modify the previous order of the Board in Application No. 8825-26, which granted a twenty-five percent reduction in required parking.

19. The applicant testified that there is a trash dumpster serving the subject building at the rear, located in the public alley, in apparent violation of the prohibition against locating a trash storage container in public space.

20. The applicant testified that it had met with the Advisory Neighborhood Commission 2A and that the ANC had made certain recommendations. No recommendations from the ANC were filed with the BZA.

21. There was no opposition to the application at the public hearing or of record.

22. At the close of the public hearing on March 20, 1985, the record was left open for the applicants to provide further information concerning the location of trash removal equipment and photographic evidence of conditions behind the premises. Pursuant to that request, the applicants submitted a photograph of the rear of the premises showing the location of a trash dumpster on the site, a statement from a trash hauling company indicating that the proposed location of the dumpster is feasible, and a cellar/basement plan showing the location of the on-site parking spaces and the trash dumpster. The applicant also submitted a proposed Order for the Board which proposed certain conditions to be attached to approval of the application, and provided that the applicants must return to the Board if the off-site parking spaces are no longer available. The Board finds such conditions are necessary to prevent undue parking congestion from resulting from the proposed construction.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking a variance from the parking requirements, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must determine that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicants have met this burden of proof in showing a practical difficulty inherent in the property. The subject lot is small and narrow. Access from the rear is limited by the alley which forms an acute angle. Because of its physical configuration, the basement cannot provide an exit for the parking of cars. The existing building has been used as an office building for many years and the variance will not cause substantial detriment to the public or the integrity of the Zoning Regulations.

Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

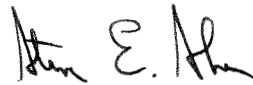
1. No portion of the proposed retail use or subject structure shall be devoted to a "sexually oriented business" as defined in Section 1202 of the Zoning Regulations.

2. No portion of the retail space within the building shall be devoted to an amusement arcade or a facility which contains mechanical amusement machines.
3. No portion of the proposed retail use shall be devoted to fast food restaurants.
4. No use shall be permitted which directly amplifies music onto the public street.
5. A minimum of five parking spaces shall be provided for the subject premises at an enclosed garage within 800 feet of the site. The certificate of occupancy for the subject structure shall be issued only for that period of time for which the applicant can demonstrate the availability of a minimum of five off-site parking spaces. In the event such parking can no longer be provided, the applicant shall reapply to the Board for consideration of such further relief as is deemed necessary pursuant to the Zoning Regulations.
6. The parking layout and location of trash receptacles shall be as shown on the plan marked as Exhibit No. 21C of the record.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant; Lindsley Williams to grant by proxy; Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 29 MAY 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

BZA APPLICATION NO. 14263

PAGE 6

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14263order/LJPD